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*Attorneys for Defendant*  
LIGHTFORCE USA, INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**LEUPOLD & STEVENS, INC.,**

Plaintiff,

v.

**LIGHTFORCE USA, INC. d/b/a  
NIGHTFORCE OPTICS and  
NIGHTFORCE USA,**

Defendant.

Civil Case No.: 3:16-cv-01570-HZ

**DECLARATION OF KLAUS JOHNSON  
IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO PLAINTIFF  
LEUPOLD & STEVENS, INC.'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

I, Klaus Johnson, hereby declare as follows:

1. This declaration is based on my personal knowledge.
2. I am over the age of 18. I am a mechanical engineer at Lightforce USA, Inc.

("Nightforce") and I have held this position since 2008.

3. I have reviewed Exhibit 10 (“Nightforce Product Table,” in ECF No. 92-1 at 171-172, hereinafter Exhibit 10) and Exhibit 31 (“4-16x42/50 F2 Erector Sub-Assembly” drawing in ECF No. 92-6 at 1-5, hereinafter Exhibit 31), which I understand accompanied the Brunette Declaration that I understand was filed with the Court in support of Plaintiff’s Motion for Partial Summary Judgment.


4. I am familiar with the nomenclature and abbreviations assigned to Nightforce riflescope models and with the features of different riflescope models as identified by the model identifiers listed in Exhibit 10 and Exhibit 31. The model identifiers include a product group name (i.e., BEAST, ATACR, NX8, NXS, SHV, COMPETITION, or BENCHREST), and numbers indicating certain focal specifications for the model. Some models include the letters “F1” or “F2.” F1 is an abbreviation for “first focal plane” and F2 is an abbreviation for “second focal plane.” First focal plane models are different models than second focal plane models, even when the model identifier is otherwise identical.

5. I am familiar with manufacturing of the Nightforce products listed in Exhibit 10, including which models are or have been wholly assembled by Nightforce; which products are or have been assembled by Nightforce using subassemblies manufactured by other parties; and which products are or have been wholly assembled by other parties. I am also familiar with the 4-16x42/50 F2 Erector Sub-Assembly lens unit referenced in Exhibit 31.

6. The 4-16x42/50 F2 Erector Sub-Assembly lens unit referenced in Exhibit 31 has never been assembled by Nightforce.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of October, 2018.

  
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Klaus Johnson